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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,072	08/23/1999	CHIKAKO SANO	450100-02015	9838

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NEW YORK, NY 10151

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/379,072

Applicant(s)

SANO, CHIKAKO

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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Applicants amendment filed November 3, 2003 has been fully considered by the Examiner but is not deemed persuasive.

Applicant argues that Honjo does not appear to have a short amount, nor does it appear to compensate for such short amount.

In response, Examiner notes that the claim limitation recites when "...the read image data is short of the unit of block, compensating a short amount thereof by using image data on an end side..." As broadly as claimed, Examiner asserts that the original interpretation of the Honjo reference meets the claim limitations, namely that the short amount is the discontinuities between unit blocks and Honjo discloses compensating this short amount using the image data on the ends. As such, the previous grounds of rejection still stand.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by (USPN 5,337,088 to Honjo).

In regards to claim 1 Honjo discloses an image data processing method comprising the steps of:

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storing image data of a screen into memory means (e.g., Honjo discloses a recording and reproducing device for performing corrections to bandwidth reduction processes on image data wherein the memory means is inherent with a recording device; column 1, lines 10-15);

reading the image data from the memory means in a unit of block consisting of a predetermined number of pixels and processing the read image data in the unit of block (e.g., column 2, lines 34-36); and

when the image data is read in the unit of block consisting of the predetermined number of pixels and the read image data is short of the unit of block, compensating a short amount thereof by using image data on an end side of an image from the image data stored in the memory means (e.g., Honjo discloses correcting for discontinuities in the blocks whereby the unit of block is the 8x8 pixel block disclosed in Fig. 2 is short an amount of data, namely there is discontinuity between the blocks. Honjo discloses compensating that discontinuity by using pixel data on the ends of the blocks or end side of an image as shown in Fig. 2; column 3, lines 20-56.

In regards to claim 2 Honjo discloses an image data processing method according to claim 1, wherein, when the short amount of the image data is an amount of a plurality of pixels, the short amount thereof is compensated by repeatedly using image data on each of both end sides of the image only the number of times which is almost the same with respect to each other (e.g., Honjo discloses the short amount of the image data is an amount of a plurality of pixels, namely that along a side of a block the discontinuity is for up to 8 pixels in a 8x8 pixel block. Examiner further notes that Honjo discloses that the correction of discontinuities can be done on all sides of the block using image data on both sides of the block, namely using data from the

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current block and an adjacent block; Figs. 2 and 3; column 5, lines 9-11. It is further implied to perform the discontinuity correction for the entire image. Thus Honjo discloses compensating repeatedly, or for multiple blocks, using image data on each of both end sides of the image, or on both sides of the border between blocks, the number of times which is almost the same with respect to each other, namely on each side for each block.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,337,088 to Honjo) in view of (USPN 6,360,018 to Nozawa).

In regards to claim 3 see examiners notes on the rejection of claim 1. Note that Honjo does not disclose nor preclude a memory means for storing image data of a screen, or a format selecting means for supplying a setting signal indicative of a format used when the image data

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stored in the memory means is recorded on a recording medium, to the memory control means and the signal processing means.

Nozawa disclose a camera which performs block encoding/decoding processes on a screen of image data produce by a camera for storage/reproduction on a recording/reproducing unit as shown in Fig. 10. Examiner notes that Honjo discloses the invention is for a recording and reproducing device (column 1, lines 10-15). As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to have made Honjo's invention usable in a camera.

Nozawa further discloses changing the block size depending upon the format, namely having 8x8 pixel blocks in standard video signals and 6x8 pixel blocks in wide video signals. As would be recognized by one skilled in the art this provides for more versatile formatting and processing of various video signal formats. Therefore it would have been obvious to one of ordinary skill in the art to have added a format setting means for changing the block size depending upon the format in order to provide for more versatile formatting and processing of various video signal formats.

In regards to claim 4 see examiners notes on the rejection of claims 2 and 3.

In regards to claim 5 examiner notes that both Honjo and Nozawa disclose performing compression coding. Examiner notes column 3, line 65 – column 4, line 10 of Nozawa's disclosure.

In regards to claims 6 and 7 see examiners notes on the rejection of claims 3-5.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:00am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office whose telephone number is 703-306-0377.

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Brian C Genco
Examiner
Art Unit 2615

November 25, 2003

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal flourish extending to the right.

**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**